

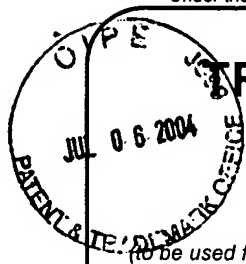
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2877  
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PTO/SB/21 (08-00)

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TRANSMITTAL  
FORM

Application Number	10/090,316
Filing Date	March 1, 2002
First Inventor	Peter G. Borden
Confirmation No.	5495
Group Art Unit	2877
Examiner Name	Rosenberger, Richard A.
Attorney Docket No.	BOX006 US

Total Number Of Pages In This Submission

12

## ENCLOSURES (check all that apply)

<input type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Assignment Papers (for an Application)	<input type="checkbox"/> After Allowance Communication to Group
<input type="checkbox"/> Fee Attached -- Credit Card Payment Form (1 pg)	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input type="checkbox"/> Amendment / Reply	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declarations	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Power of Attorney, Revocation of Previous Powers; And Statement Under 37 CFR 3.73(b)	<input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Terminal Disclaimer	RETURN RECEIPT POSTCARD PTO Form 1449 (1 page) Copy of Office Action (Application No. 09/974,571) (8 pages)
<input checked="" type="checkbox"/> Information Disclosure Statement (2 pages)	<input type="checkbox"/> Request for Refund	
<input type="checkbox"/> Certified Copy of Priority Document(s)	<input type="checkbox"/> CD, Number of CD(s) _____	
<input type="checkbox"/> Response to Missing Parts/ Incomplete Application (2 pages)	Remarks	
<input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	Please charge Deposit Account 50-2263 for any underpaid fee.	

## SIGNATURE OF APPLICANT, ATTORNEY OR AGENT

Firm or Individual Name	Omkar K. Suryadevara (Reg. No. 36,320) Silicon Valley Patent Group LLP 2350 Mission College Boulevard, Suite 360 Santa Clara, California 95054
Signature	<i>S. Omkar</i>
Date	July 6, 2004

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventors: Peter G. Borden; Ji-Ping Li  
Assignee: Boxer Cross  
Title: Apparatus and Method for Measuring A Property of a Layer in a Multilayered Structure  
Serial No.: 10/090,316 Filing Date: March 1, 2002  
Examiner: Rosenberger, Richard A. Group Art Unit: 2877  
Docket No.: BOX006 US Confirmation No: 5495

Santa Clara, California  
July 6, 2004

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**INFORMATION DISCLOSURE STATEMENT  
UNDER 37 CFR §1.97(d)**

Dear Sir:

Pursuant to 37 C.F.R. § 1.56, §1.97 and §1.98, the Applicants submit for consideration in the above-identified patent application the documents listed on the accompanying Form PTO-1449. Copies of the documents are not submitted herewith. The Examiner is requested to make these documents of record.

This Information Disclosure Statement is submitted pursuant to 37 CFR §1.97(d) and (e)(2). Accordingly, a fee is not required.

Pursuant to 37 CFR § 1.97 (e)(2), the undersigned certifies that no item of information contained in the enclosed information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the undersigned after making reasonable inquiry, no item of information contained in the information disclosure statement was known to any individual designated in § 1.56(c) more than three months prior to the filing of the information disclosure statement.

The references listed on the enclosed Form PTO-1449 were cited by the US PTO in Application No. 09/974,571. A copy of the Office Action in which these references were cited is also attached. This information from a related patent application is hereby submitted

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pursuant to the case DAYCO PRODUCTS, INC. v. TOTAL CONTAINMENT, INC., 02-1497, decided May 23, 2003 by the Court of Appeals for the Federal Circuit.

Applicants would appreciate the Examiner initialing and returning the Form PTO-1449, indicating that the information has been considered and made of record herein.

The information contained in this Information Disclosure Statement is to the best of my knowledge and is not to be construed as a representation that: (i) a complete search has been made; (ii) additional information material to the examination of this application does not exist; (iii) the information, protocols, results and the like reported by third parties are accurate or enabling; or (iv) the above information constitutes prior art to the subject invention.

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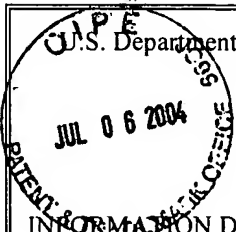
Respectfully submitted,



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 <p>U.S. Department of Commerce, Patent and Trademark Office</p> <p>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</p> <p>(Use several sheets if necessary)</p>	Application No.:	10/090,316
	Filing Date:	March 1, 2002
	First Named Inventor:	Peter G. Borden
	Group Art Unit:	2877
	Examiner Name:	Rosenberger, Richard A.
	Confirmation No.:	5495
	Attorney Docket No.:	BOX006 US

U.S. Patent Documents							
*Examiner Initials		Document Number	Date	Name	Class	Subclass	Filing Date if Appropriate
		6,734,968 B1	5/11/04	Wang et al.	356	369	
		6,694,284 B1	2/17/04	Nikoonahad et al.	702	155	

Foreign Patent Documents							Translation	
		Document	Date	Country	Class	Subclass	Yes	No

Other Art (Including Author, Title, Date, Pertinent Pages, Etc.)		

Examiner:

Date Considered:

\* Examiner: Initial if reference is considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with your communication with applicant.